

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

September 28, 2006

Devearl L. Bacon
SBI #221242
DCC
Smyrna, DE 19977

**RE: Response to Your Letter dated 9/20/06, Regarding
Payment of Filing Fees in CA 06-267 and CA 06-254 JJF**

Dear Mr. Bacon:

This is a response to your inquiry to the Clerk of Court regarding payments on the above noted cases, which are closed in the U.S. District Court, and are currently pending on appeal at the Third Circuit Court of Appeals, Case numbers 06-3859 (Bacon v. Carroll, USDC CA 06-267 JJF), and 06-3594 (Bacon v. Delaware, USDC CA 06-254 JJF).

The dates that you note in your letter are the dates that the U.S. District Court issued orders dismissing your complaints as frivolous. The District Court's orders pertain only to your payment of any remaining balances on each of the \$350.00 civil filing fees.

Copies of the Appeals Court's orders granting your pauper status, assessing the appeal filing fees of \$455.00 per case, are attached for your reference. These orders fully explain the assessment of filing fees, payment requirements and procedures.

Sincerely,

/s/

PETER T. DALLEO
CLERK

cc: CA 06-254 JJF
CA 06-267 JJF
Financial Administrator, U.S. District Court

DEVEAR L. BACON
#221242
S.C.C.

Smyrna, Del. 19977
CASE NO's 06-267-JJF; ✓
06-254-JJF ✓

Clerk of Court
US District Court
Wilmington, Del. 19801

September 20, 2006

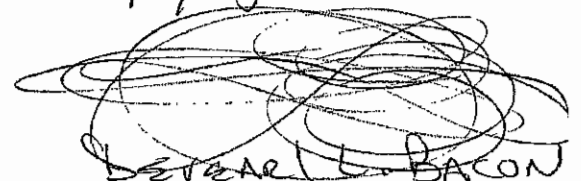
RE: PAYMENT ON DISMISSED COMPLAINT'S

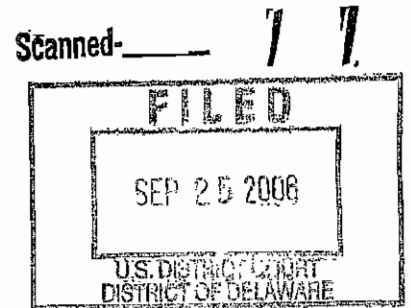
MR. DALLEO:

Good-Day., On July 17 and 27 three ABOVE CASES
WERE DISMISSED BY Hon. Judge Joseph J. FARNAN JR
Respectfully.

I informed S.C.C.'s BUSINESS of the Judge's
Order that I don't have to make pay-to's (at this moment)
ON ABOVE CASES ANY LONGER, HOWEVER THE BUSINESS OFFICE
is still taking MONEYS off of my ACCOUNT, FAR MORE THEN
"ANY" CASE WAS ORDERED to take "SUCH AN BALANCE" that
the PRISON is taking.

CAN you help me, I don't want to be paying "two-folds"


DEVEAR L. BACON



Certificate of Service

I, DEVEAR L. BACON, hereby certify that I have served a true
and correct cop(ies) of the attached: LETTER TO CLERK OF COURT
PER PAYMENT'S upon the following
parties/person (s):

TO: BUSINESS OFFICE
SCC
1181 Paddock Rd
SMYRNA, DEL.
19977

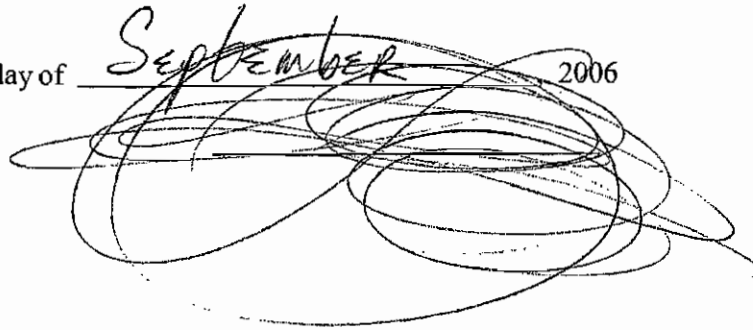
TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 20 day of September 2006



IM SEVEAR L. BACON
SBI# 22/242 UNIT A-L-3
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



Clerk of Court
US District Court
844 N. King St. (Lockbox 18)
Wilmington, Del.
19801

19801+2313-33 0012
Legal Mail

FPS-466

DATE: September 18, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-3859

Bacon v. Carroll
(District of Delaware No. 06-0267)

To: Clerk

1) Application to Proceed In Forma Pauperis

The foregoing motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$455.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the District of Delaware. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the District of Delaware equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal. The appeal will be submitted to a panel of this court for determination under 28 U.S.C. § 1915(e)(2).



For the Court,

/s/Marcia M. Waldron
Clerk

Dated: September 19, 2006
TMM/cc: Devearl L. Bacon
Atty Gen DE

FPS-443

August 31, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-3594

Bacon v. Delaware
(D. Del. No. 06-cv-254)

To: Clerk

1) Motion for Leave to Proceed In Forma Pauperis

The foregoing Motion to proceed in forma pauperis is granted. Appellant is a prisoner seeking to proceed in forma pauperis on appeal and is, therefore, required to pay the full \$ 455.00 in docketing and filing fees in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). Accordingly, the Court hereby directs the warden, or his or her designee, to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the District of Delaware. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the District of Delaware equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Rule 27.4, Third Circuit Local Appellate Rules.



For the Court,

/s/ Marcia M. Waldron
Clerk

Marcia M. Waldron
Marcia M. Waldron, Clerk

Dated: September 14, 2006
TMM/cc: Mr. Deveal L. Bacon
Eileen K. Kelly, Esq.